

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

OTTO FOUNTAIN, JR.,

Defendant.

Case No. 21-CR-178-2-JPS

ORDER

On September 14, 2021, the grand jury returned a two-count Superseding Indictment against Defendant, charging him with violations of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846, and 18 U.S.C. § 2(a). ECF No. 14. On June 14, 2022, the parties filed a plea agreement indicating that Defendant agreed to plead guilty to Count Two of the Superseding Indictment. ECF No. 52.

The parties appeared before Magistrate Judge Nancy Joseph on June 23, 2022 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. ECF No. 58. Defendant entered a plea of guilty as to Count Two of the Superseding Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Joseph determined that the guilty plea was knowing and voluntary, and that the offenses charged were supported by an independent factual basis containing each of the essential elements of the offenses. *Id.*

On June 23, 2022, Magistrate Judge Joseph filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared;

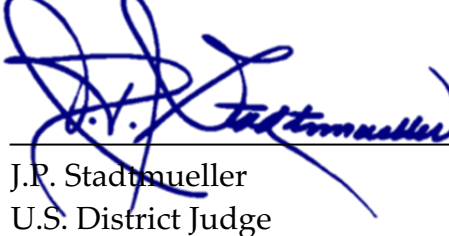
and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. *Id.* Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* To date, no party has filed such an objection. The Court has considered Magistrate Judge Joseph's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge Nancy Joseph's Report and Recommendation, ECF No. 58, be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 12th day of July, 2022.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge